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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,038	08/31/2001	Ann Mond Johnson		3056

34060 7590 09/20/2006

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EXAMINER

COBANOGLU, DILEK B

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/945,038	Applicant(s) JOHNSON ET AL.	
	Examiner Dilek B. Cobanoglu	Art Unit 3626	

—The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

THE REPLY FILED 05 September 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.

Claim(s) objected to: none.

Claim(s) rejected: 1-4.


Claim(s) withdrawn from consideration: none.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See continuation sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.


 JOSEPH THOMAS
 SUPERVISORY PATENT EXAMINER

Continuation of 11: Applicant argues that Perkins does not teach "providing, to the particular healthcare consumer, information relating to said previously diagnosed condition from at least one database said information comprising, with respect to treating the previously diagnosed condition in other healthcare consumers"; Examiner respectfully submits that the combination of references Papageorge and Perkins teach this limitation (Papageorge; abstract, col. 7, line 60 to col. 8, line 4) and (Perkins; col. 2, lines 5-15 and continues on col. 3, lines 54-60), Applicant argues that Perkins does not teach "receiving, from the particular healthcare consumer, a plurality of criteria related to selecting a desired healthcare provider to treat the previously diagnosed condition; Examiner would like to submit that the combination of Papageorge and Perkins teach this limitation (Papageorge; abstract) and (Perkins; col. 2, lines 5-15 and col. 3, lines 19-27), Applicant argues that "identifying, to the particular healthcare consumer, treatment options for said previously diagnosed condition, said identified treatment options comprising a listing of the plurality of healthcare providers ranked according to one or more of the prioritized criteria"; Examiner respectfully submits that the combination of Papageorge and Perkins teach this limitation (Papageorge; abstract) and (Perkins; col. 2, lines 5-15, col. 5, lines 39-58 and col. 6, lines 10-26), Applicant argues that Papageorge does not teach "without involving medical professional ", Examiner respectfully submits that col. 1, lines 56-58 of Perkins discloses that "the healthcare services can be made more efficient by using a better way of comparing healthcare services from different providers"; since comparing services from the different providers requires no provider involvement on getting information relating to previously diagnosed condition from at least one database, the combination of references Papageorge and Perkins overcome this limitation of claim 1, Applicant argues that Perkins does not teach "correlating the identified treatment options with the plurality of criteria, the plurality of criteria selected and ranked by the particular healthcare consumer"; Examiner would like to submit that Perkins teaches this limitation on col. 5, lines 39-58. The modifications are as described in the previous final action mailed on 05/31/2006.